

Plaintiffs' Exhibit 54

(Redacted)

In the Matter Of:

UNITED STATES OF AMERICA v

GOOGLE, LLC

JOHN GENTRY

October 26, 2023



<p style="text-align: right;">Page 10</p> <p>1 Q. Yeah, just if I ask you a question and you</p> <p>2 realize that you learned something in preparation</p> <p>3 for your deposition that really isn't based on your</p> <p>4 own personal experience but instead it's based on</p> <p>5 someone else at OpenX's knowledge and you feel that</p> <p>6 it's responsive to my question, then just say -- you</p> <p>7 know, describe what I've just said. Say it's within</p> <p>8 someone else's knowledge.</p> <p>9 A. Okay.</p> <p>10 Q. And we'll kind of take it from there.</p> <p>11 Does that make sense?</p> <p>12 A. Yeah.</p> <p>13 Q. Do you understand that the information you</p> <p>14 provide during this deposition may be used by the</p> <p>15 Department of Justice in other civil, criminal,</p> <p>16 administrative, or regulatory cases or proceedings?</p> <p>17 A. Yes.</p> <p>18 Q. Let me ask you about your background.</p> <p>19 Where were you born and raised?</p> <p>20 A. I was born in Los Angeles, California, and</p> <p>21 I grew up in Palos Verdes, California, Palos Verdes</p> <p>22 Estates.</p> <p>23 Q. Can you describe your educational</p> <p>24 background?</p> <p>25 A. Sure. High school here in the local</p>	<p style="text-align: right;">Page 12</p> <p>1 that allow them to bid on behalf of advertisers to</p> <p>2 place an advertisement in that space.</p> <p>3 Q. Okay. As CEO of OpenX, what are your main</p> <p>4 responsibilities?</p> <p>5 A. My main responsibilities are for everything</p> <p>6 at the company. You know, the classic CEO</p> <p>7 responsibilities would be strategy, funding, people,</p> <p>8 culture.</p> <p>9 Q. And can you describe sort of your</p> <p>10 background at OpenX, meaning the other positions you</p> <p>11 held prior to becoming CEO?</p> <p>12 A. Sure. I joined OpenX originally as a</p> <p>13 consultant in early 2012. I believe it was either</p> <p>14 February or March. I became full-time in</p> <p>15 September 1st of 2013 as president of the company.</p> <p>16 I had responsibility for everything other than</p> <p>17 finance, legal, HR, comms.</p> <p>18 And then I became the CEO of the company in</p> <p>19 February of 2020.</p> <p>20 Q. I'd like to ask you some questions about</p> <p>21 the publisher ad service business.</p> <p>22 Is that okay?</p> <p>23 A. Sure.</p> <p>24 Q. What was OpenX's first product?</p> <p>25 A. First product was an ad server.</p>
<p style="text-align: right;">Page 11</p> <p>1 community, Palos Verdes Estates. I went to college</p> <p>2 for two years at UC Santa Barbara, two years at</p> <p>3 UCLA. Graduated from UCLA. And then I got my</p> <p>4 master's in business from the Kellogg School at</p> <p>5 Northwestern.</p> <p>6 Q. And you are the CEO of OpenX; is that</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. Can you briefly describe, at a high level,</p> <p>10 what OpenX is.</p> <p>11 A. OpenX is a global ad exchange, would be the</p> <p>12 simple description of it.</p> <p>13 Q. And what is an ad exchange, just at a high</p> <p>14 level?</p> <p>15 A. Okay. So what we do is we support</p> <p>16 publishers and their ability to sell their</p> <p>17 inventory. We do that by aggregating publisher</p> <p>18 demand from across thousands of publishers. They</p> <p>19 will send ad requests to us when a given page on</p> <p>20 their website or app opened, also potentially in a</p> <p>21 CTV app as well.</p> <p>22 At that point, we will then take those ad</p> <p>23 requests and submit those through and federate those</p> <p>24 out to a lot of what we call DSPs, demand-side</p> <p>25 partners, who also have technology and algorithms</p>	<p style="text-align: right;">Page 13</p> <p>1 Originally, it was an open source ad server when the</p> <p>2 company was founded before I was there, and then</p> <p>3 they took that with the intention of turning it into</p> <p>4 a for-pay ad server and run a, you know, for-pay ad</p> <p>5 server into the marketplace. Again, before I was</p> <p>6 there.</p> <p>7 Q. Does OpenX still operate a publisher ad</p> <p>8 server today?</p> <p>9 A. No, we don't.</p> <p>10 Q. And just roughly, when did OpenX stop</p> <p>11 operating a publisher ad server?</p> <p>12 A. I think we started winding it down and</p> <p>13 recognizing the essential challenges as early as</p> <p>14 2015. I believe we wound it down in 2018, 2019.</p> <p>15 There was kind of a piece-by-piece process to that.</p> <p>16 Q. When OpenX competed in the publisher ad</p> <p>17 server business, which company had the largest</p> <p>18 publisher ad server?</p> <p>19 A. Google.</p> <p>20 Q. And what was Google's publisher ad server</p> <p>21 known as?</p> <p>22 A. DFP, DoubleClick for Publishers.</p> <p>23 Q. If a publisher used a publisher ad server</p> <p>24 other than Google's DFP, how much access did they</p> <p>25 have to AdX?</p>

Page 18

1 MS. LEE: Objection to form.

2 THE WITNESS: Because of the fact that

3 they've got access, sole access to the massive

4 amounts of demand represented by AdX which is a

5 combination of the Google Ads ad network -- Google

6 Ads network, and also the DV360 demand.

7 BY MR. VERNON:

8 Q. Why, if at all, is accessing AdX demand

9 important to publishers?

10 MS. LEE: Objection to form.

11 THE WITNESS: Publishers, you know,

12 prioritize -- their goal with an ad server and with

13 their ad business is to drive as much revenue as

14 possible to be able to fund investments in their

15 properties, so they have to drive the most revenue

16 they can.

17 When one ad server represents far and away

18 the best opportunity for monetization or revenue,

19 they are going to choose that ad server.

20 BY MR. VERNON:

21 Q. In your experience, are publishers

22 realistically able to switch away from Google's DFP

23 for publisher ad serving?

24 MS. LEE: Objection to form.

25 THE WITNESS: I'm not aware of any

Page 19

1 publisher, and certainly that I can think of in my

2 personal knowledge, that has switched away from DFP

3 or what is now known as GAM.

4 BY MR. VERNON:

5 Q. Okay. Let me ask you some questions about

6 a different topic, OpenX's exchange and spending

7 from DV360.

8 Is that okay?

9 A. Yes.

10 Q. First question: What is OpenX's main

11 business today?

12 A. Our main business is our -- what we call

13 our exchange business, also called at times the

14 supply-side platform.

15 Q. And how does OpenX's exchange compare with

16 other exchanges just in terms of size?

17 A. Depends on the exchanges you're comparing

18 us to. If you're comparing us to public market

19 competitors, PubMatic's about -- in terms of

20 revenue, PubMatic's about two and a half times as

21 large as us, Magnite's about six times as large as

22 us following several acquisitions, and then AdX is

23 far larger than us, but I don't know their numbers.

24 Q. Sort of ballpark, where does OpenX's

25 exchange fall in terms of is it the first largest or

Page 20

1 the fifth largest or tenth largest exchange for

2 display?

3 MS. LEE: Object to form.

4 THE WITNESS: Somewhere in the fourth to

5 possibly sixth, I would guess that's -- you know,

6 without knowing competitor information and some of

7 the independents, I guess we're in that zone.

8 BY MR. VERNON:

9 Q. Okay. In the 2016 to 2017 time frame --

10 well actually, let me back up.

11 What is a DSP?

12 A. A DSP is a demand-side platform. It is a

13 company designed to enable advertisers to bid across

14 a variety of inventory sources or supply sources.

15 All typically digital.

16 Q. And is it fair to say that DSPs bid on

17 OpenX's exchange?

18 A. Yes.

19 Q. In the 2016 to 2017 time frame, which DSP

20 was the largest buyer on OpenX's exchange?

21 A. DV360, Google.

22 Q. And what is DV360?

23 A. DV360 is Google's demand-side platform.

24 Q. How, if at all, did Google's DV360's

25 spending on the OpenX's exchange change over time?

Page 21

1 MS. LEE: Objection to form. Foundation.

2 THE WITNESS: Is there a specific time

3 period that you're...

4 BY MR. VERNON:

5 Q. Sure.

6 So in approximately 2018 or 2019, how, if

7 at all, did Google's DV360 spending on OpenX's

8 exchange change over time?

9 MS. LEE: Objection to form.

10 THE WITNESS: Google had been a strong

11 partner of ours since the early days of the company.

12 In 2018, really the second half of the year, we saw

13 a massive drop in DV360 spend on OpenX.

14 BY MR. VERNON:

15 Q. How, if at all, did the decrease in

16 spending by DV360 on OpenX affect OpenX?

17 MS. LEE: Objection to form.

18 THE WITNESS: It was a devastating impact

19 to the company, resulting in severe financial

20 consequences. We had to execute a large layoff in

21 December of 2018 and had a lot of negative effects

22 as a result of that.

23 BY MR. VERNON:

24 Q. What were those negative effects?

25 A. Really put us into what I would consider a

Page 22

1 subscale position where we didn't have the ability
2 to invest in multiple areas of the business, whether
3 that be product or sales. Massively impacted our
4 reputation in the marketplace in a negative way. It
5 brought a lot of questions around the company's
6 viability. Impacted our ability to retain our best
7 employees.

8 I think anybody would know it's a large
9 layoff. We probably laid off -- this is my best
10 memory. We were probably in the high four hundreds
11 and we laid off, you know -- got down to about 300.
12 So laid off -- if it wasn't 40 percent of the
13 company, you know, definitely north of 30 percent of
14 the company in that mid-December of 2018. And
15 impacted our ability to execute into 2019 and
16 honestly put the company in a lot of trouble.

17 Our revenues went from -- we were about [REDACTED]
18 in 2017; 2018 we were about [REDACTED] because the first
19 half of the year was strong; in 2019, we were down
20 to about [REDACTED]; and in 2020, the combination
21 of difficulties we had had plus COVID took us down
22 to about [REDACTED] in net revenue in
23 2020.

24 It's very difficult to run an organization
25 of our scale at those numbers.

Page 23

1 Q. One of the negative effects that you
2 mentioned as resulting from the decline in DV360
3 spending was -- I think you said it put OpenX in a
4 subscale position.

5 Can you explain what you meant by that?

6 A. Yeah. So you've got --

7 MS. LEE: Objection to form. Sorry.

8 THE WITNESS: No, I'm sorry. I'm trying to
9 get used to pausing.

10 MS. LEE: No. Go ahead.

11 THE WITNESS: Yes. In terms of the --
12 running an exchange of our scale, we run a global
13 exchange. And to operate a global exchange, you
14 have to take on all of those publisher requests --
15 and by "publisher," that could be a website, that
16 could be an app, that could be a CTV provider. We
17 have to manage all of that infrastructure cost to
18 take all those requests to offer those out to our
19 DSPs.

20 As the revenue drops, those costs remain
21 the same. So really, you know, the only option we
22 had was to drop the number of people. But then when
23 you drop the number of people, you also have a much
24 smaller number of people in which to run the
25 company, to call in customers, et cetera.

Page 24

1 So there's a level of scale at which once
2 you're comfortably covering your people and
3 infrastructure costs, and obviously real estate
4 numbers, you can then have the ability to invest and
5 grow the business, and we were below that level as a
6 result of the impact at the end of 2018.

7 BY MR. VERNON:

8 Q. Can you give some examples of how OpenX
9 being in the subscale position affected OpenX's
10 ability to invest in the business.

11 A. Yeah. The short, simple answer to that --

12 MS. LEE: Objection to form.

13 THE WITNESS: The short, simple answer to
14 that is that we simply did not have the resources,
15 the amount of money to both cover our core costs,
16 the required costs of operating the exchange and our
17 offices and all the things that go with that, and
18 then we did not have the ability to invest on the
19 people side.

20 In the people side, technology businesses
21 are fundamentally driven by people -- whether that's
22 writing code, whether that is designing a product,
23 whether that is going into, as we say, a partner or
24 a customer and selling -- the core investment for
25 growth that we typically make is around people. We

Page 25

1 did not have the resources after that to be able to
2 make the investments in people.

3 Our head count went from approximately 300
4 in -- 300 after the layoff to, in 2020, we got as
5 low as down close to 200, I believe, because we had
6 to reshuffle people again and we moved our
7 engineering out of the country to Kraków. And today
8 we're still -- right now we're probably around
9 280 -- you know, somewhere around the 280 people
10 number.

11 BY MR. VERNON:

12 Q. Was the decline in spending by Google's
13 DV360 on OpenX the only reason why OpenX laid people
14 off?

15 MS. LEE: Objection to form.

16 THE WITNESS: I can't state it was the
17 only, the sole reason, but it was certainly the
18 largest contributor to that dynamic that I can think
19 of.

20 BY MR. VERNON:

21 Q. Okay. To your knowledge, did OpenX ever
22 ask Google why DV360's spending on OpenX's exchange
23 dropped in the 2018-2019 time period?

24 MS. LEE: Objection to form.

25 THE WITNESS: Yes. We asked them -- when

Page 106	Page 108
<p>1 MS. LEE: Objection to form.</p> <p>2 THE WITNESS: Sorry.</p> <p>3 I understand what I think you're trying to</p> <p>4 say.</p> <p>5 In general, we assume responsibility for</p> <p>6 removing fraudulent transactions from our</p> <p>7 marketplace -- what we believe are fraudulent</p> <p>8 transactions from the marketplace. And our</p> <p>9 relationship typically with fraud goes to the DSP</p> <p>10 level, the demand-side partner. And some DSPs, most</p> <p>11 DSPs of size will -- if they find something</p> <p>12 fraudulent will refuse to pay for it. So that would</p> <p>13 be on us for sending it to them.</p> <p>14 There are differences in terms of a</p> <p>15 relationship with different DSPs. But, in general,</p> <p>16 the larger DSPs are expecting us to filter out</p> <p>17 fraudulent traffic.</p> <p>18 BY MR. VERNON:</p> <p>19 Q. If fraud happens on OpenX's platform and</p> <p>20 the DSP does not pay, does OpenX then not pay the</p> <p>21 publisher, or does OpenX kind of eat the loss?</p> <p>22 A. It would depend on --</p> <p>23 MS. LEE: Objection to form.</p> <p>24 THE WITNESS: It would depend on the</p> <p>25 situation. The majority would be one-off, you know,</p>	<p>1 publisher and the publisher holds OpenX accountable,</p> <p>2 like what does that mean?</p> <p>3 A. It could mean everything up to and</p> <p>4 including termination of us as a partner. It</p> <p>5 depends on the nature of the ad. It depends on the</p> <p>6 nature of what results from the ad.</p> <p>7 In some cases, you'll have an executive at</p> <p>8 a publisher who -- I can't think of any recent ones</p> <p>9 for OpenX. But in the past, early days, you'd have</p> <p>10 an executive at a publisher that would see an</p> <p>11 inappropriate ad and immediately call their ad ops</p> <p>12 person and complain and say, "Why is this on our</p> <p>13 site?"</p> <p>14 And the ad ops person would call us and</p> <p>15 say, "How did this get through your filters?"</p> <p>16 And, you know, the accountability would be</p> <p>17 very much around the relationship. It could result</p> <p>18 in some sort of financial dynamic, but it's mostly</p> <p>19 threatening the relationship we have with the</p> <p>20 publisher.</p> <p>21 Q. Okay. Thank you for walking me through</p> <p>22 that, even though I only sort of understood it.</p> <p>23 Let me ask you a little bit about Google</p> <p>24 exchange bidding. Is that okay?</p> <p>25 A. Sure.</p>
Page 107	Page 109
<p>1 small instances where we would eat the loss.</p> <p>2 In the case where a publisher was doing</p> <p>3 something that we found to be fraudulent on their</p> <p>4 side, which the majority of publishers are not</p> <p>5 doing, but if we found that a publisher was acting</p> <p>6 in a way that we felt was fraudulent and wrong and</p> <p>7 likely intentional, in that case we would not pay</p> <p>8 the publisher.</p> <p>9 BY MR. VERNON:</p> <p>10 Q. Now let me ask you about a slightly</p> <p>11 different situation.</p> <p>12 If there's some sort of fraud on the</p> <p>13 advertising side -- like, if an advertiser makes</p> <p>14 some kind of fake ad or something like that, who</p> <p>15 bears the risk then?</p> <p>16 MS. LEE: Objection to form.</p> <p>17 THE WITNESS: So on the advertiser side</p> <p>18 going to the publisher, typically the only real</p> <p>19 thing I can think of off the top of my head would be</p> <p>20 a bad ad. So some sort of malware or an ad that's</p> <p>21 doing something that it should not do when it's on</p> <p>22 the publisher's page. And the publisher would hold</p> <p>23 us accountable if that bad ad went through to them.</p> <p>24 BY MR. VERNON:</p> <p>25 Q. So if a bad ad goes through OpenX to a</p>	<p>1 Q. First of all, what is Google exchange</p> <p>2 bidding?</p> <p>3 A. Google exchange bidding -- which is also</p> <p>4 called EBDA and is currently called Open Bidding --</p> <p>5 is the Google header bidding container, it is</p> <p>6 server-side based, that takes in multiple bidders</p> <p>7 from across the landscape -- multiple exchanges that</p> <p>8 would come across the landscape such as OpenX.</p> <p>9 Q. Can you describe the relationship that</p> <p>10 OpenX has with Google's exchange bidding?</p> <p>11 A. Sure. We were an early adopter of exchange</p> <p>12 bidding. We worked with them for -- I don't</p> <p>13 remember the exact start of the exchange bidding,</p> <p>14 the exact year, but we worked with them all along.</p> <p>15 The way it works is we place a bid into</p> <p>16 exchange bidding, of OB, Google takes a 5 percent</p> <p>17 fee and then, you know, passes that bid into the</p> <p>18 publisher's ad server, assuming it's the winning bid</p> <p>19 within OB.</p> <p>20 Q. What disadvantages, if any, does Google's</p> <p>21 exchange bidding create for OpenX?</p> <p>22 MS. LEE: Objection to form.</p> <p>23 THE WITNESS: The biggest one is the</p> <p>24 5 percent transaction fee that they take out of the</p> <p>25 bid on the way through to the publisher. The other</p>

Page 110	Page 112
<p>1 one --</p> <p>2 BY MR. VERNON:</p> <p>3 Q. Why is -- go ahead.</p> <p>4 A. The other one is it's a server integration.</p> <p>5 So sometimes your ability to identify a user can be</p> <p>6 impacted by that. But I think in most cases if we</p> <p>7 have other implementations with the publisher, we're</p> <p>8 able to work around that.</p> <p>9 Q. Why is the 5 percent exchange bidding fee a</p> <p>10 disadvantage for OpenX?</p> <p>11 A. Because the bid is going through at a</p> <p>12 discount.</p> <p>13 So, again, we want to win the impression.</p> <p>14 So if I put a dollar bid through Open Bidding and I</p> <p>15 put a dollar bid through free bid, which is an open</p> <p>16 source container that many publishers use, the bid</p> <p>17 for free bid goes into the ad server. So it's</p> <p>18 winning across free bid at a dollar, and the bid</p> <p>19 through OB goes in at \$0.95.</p> <p>20 Q. How, if at all, does Google exchange</p> <p>21 bidding's 5 percent fee affect OpenX's ability to</p> <p>22 compete with AdX?</p> <p>23 MS. LEE: Objection to form.</p> <p>24 THE WITNESS: To the best of my knowledge,</p> <p>25 AdX is not being charged a 5 percent fee.</p>	<p>1 demand-side platform and they go BK -- much like</p> <p>2 MediaMath did this year -- and we are buying</p> <p>3 directly with the publisher, which in the majority</p> <p>4 of cases we have sequential liability, versus buying</p> <p>5 through OB, if we could not go back -- we do not</p> <p>6 have the right to withhold any spend to the</p> <p>7 publisher to capture back the money that we might</p> <p>8 have lost in that bankruptcy because we're taking,</p> <p>9 for easy math I'll say a 15 percent fee, but we're</p> <p>10 passing along to the publisher the other 85 percent.</p> <p>11 And in the case where the -- somebody goes</p> <p>12 bankrupt and can no longer pay and we've already</p> <p>13 paid the publisher, that means that we've paid the</p> <p>14 publisher that \$0.85 and, you know, we're out that</p> <p>15 \$0.85.</p> <p>16 BY MR. VERNON:</p> <p>17 Q. What importance is there, if any, to the</p> <p>18 fact that when OpenX goes through Google exchange</p> <p>19 bidding Google has the direct payment relationship</p> <p>20 with the publisher rather than OpenX?</p> <p>21 MS. LEE: Objection to form.</p> <p>22 THE WITNESS: The first part of your</p> <p>23 question I lost.</p> <p>24 BY MR. VERNON:</p> <p>25 Q. Sure.</p>
Page 111	Page 113
<p>1 Therefore, if we bid \$1 and AdX bids \$1, our dollar</p> <p>2 would go through at \$0.95 and AdX would go through</p> <p>3 at \$1.</p> <p>4 BY MR. VERNON:</p> <p>5 Q. And what would happen then?</p> <p>6 A. AdX would win --</p> <p>7 MS. LEE: Objection to form.</p> <p>8 THE WITNESS: AdX would win the bid with a</p> <p>9 dollar bid.</p> <p>10 BY MR. VERNON:</p> <p>11 Q. When OpenX connects to a publisher through</p> <p>12 exchange bidding, who has the direct relationship</p> <p>13 with the publisher, OpenX or Google?</p> <p>14 A. Google.</p> <p>15 Q. What disadvantages, if any, does the fact</p> <p>16 that Google has the direct relationship with the</p> <p>17 publisher when OpenX uses exchange bidding create</p> <p>18 for OpenX?</p> <p>19 MS. LEE: Objection to form.</p> <p>20 THE WITNESS: It's -- we do not -- we no</p> <p>21 longer have a direct payment relationship. Also,</p> <p>22 Google OB does not allow for what's called</p> <p>23 sequential liability.</p> <p>24 What sequential liability is, is in the</p> <p>25 event there is a financial problem with the</p>	<p>1 What effect on OpenX, if any, is there from</p> <p>2 the fact that when OpenX connects to a publisher</p> <p>3 through Google exchange bidding, Google is the one</p> <p>4 that has the direct payment relationship with the</p> <p>5 publisher rather than OpenX?</p> <p>6 MS. LEE: Same objection.</p> <p>7 THE WITNESS: One example would be that</p> <p>8 Google is aggregating the money. So it looks like</p> <p>9 Google is providing more money to the publisher.</p> <p>10 The other is what I just mentioned in terms</p> <p>11 of sequential liability, where in the event we have</p> <p>12 a problem with a buyer in the marketplace, we are</p> <p>13 not able to capture the money we've already paid</p> <p>14 out, which can go upside down for us.</p> <p>15 And also it's just -- it is a -- it puts us</p> <p>16 one step away from the -- from the publisher.</p> <p>17 It also has become a dynamic with the</p> <p>18 demand side of the business where DSPs are choosing</p> <p>19 to buy through Open Bidding less because of the</p> <p>20 5 percent fee, amongst other reasons.</p> <p>21 BY MR. VERNON:</p> <p>22 Q. What is Prebid?</p> <p>23 A. Prebid is a -- what we call a container,</p> <p>24 which is open source software. It is designed to</p> <p>25 manage multiple header bidders.</p>

<p style="text-align: right;">Page 114</p> <p>1 So OpenX has our header bidder that we bid</p> <p>2 through, and Magnite has their header bidder they</p> <p>3 bid through. A publisher might use PubMatic --</p> <p>4 sorry -- Prebid to manage those various header</p> <p>5 bidder implementations.</p> <p>6 Q. Overall, would OpenX prefer to connect to a</p> <p>7 publisher through Google exchange bidding or through</p> <p>8 Prebid?</p> <p>9 A. Prebid.</p> <p>10 Q. I'm sorry. Can you say that again?</p> <p>11 A. Prebid. Sorry.</p> <p>12 Q. Why would OpenX prefer to connect to a</p> <p>13 publisher through Prebid instead of through Google</p> <p>14 exchange bidding?</p> <p>15 A. Publishers prefer us to connect -- we would</p> <p>16 like to get more of their demand through Prebid and</p> <p>17 not through Google.</p> <p>18 We also would like to connect through</p> <p>19 Prebid as it's, in many cases, a client-side</p> <p>20 implementation, which gives us a view to the page,</p> <p>21 better data.</p> <p>22 And then lastly, we don't -- there's not</p> <p>23 5 percent taken out of our bid if we go through</p> <p>24 Prebid and not OB.</p> <p>25 Q. Okay. If we can just go back to something</p>	<p style="text-align: right;">Page 116</p> <p>1 why were those layoffs psychologically devastating?</p> <p>2 A. We had a great culture at the company. We</p> <p>3 had a lot of people that cared about each other. It</p> <p>4 was a classic what I would say, you know,</p> <p>5 start-up-type vibe.</p> <p>6 And, you know, I can remember the morning</p> <p>7 and I can remember that we got in a room as a</p> <p>8 leadership team and agreed that we were all going to</p> <p>9 be there and walk around -- be very direct with</p> <p>10 people and try and support them however we could.</p> <p>11 And we walked around the offices and people</p> <p>12 filled their boxes and they were crying and there</p> <p>13 was tremendous amounts of sadness. And it was -- it</p> <p>14 was just deeply -- deeply saddening for both the</p> <p>15 people that were getting terminated and also for the</p> <p>16 people that were remaining.</p> <p>17 Q. Given Google's position in the display</p> <p>18 exchange business overall, is it easy to compete</p> <p>19 against Google?</p> <p>20 MS. LEE: Objection to form.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MR. VERNON:</p> <p>23 Q. So I think --</p> <p>24 MR. VERNON: Can we go off the record?</p> <p>25 THE VIDEOGRAPHER: Is everyone okay with</p>
<p style="text-align: right;">Page 115</p> <p>1 you said earlier.</p> <p>2 I think earlier you said when Google</p> <p>3 DV360's spending on OpenX decreased in around 2018,</p> <p>4 the impact was devastating.</p> <p>5 Why was it devastating?</p> <p>6 MS. LEE: Objection to form.</p> <p>7 THE WITNESS: The company, up until that</p> <p>8 point, had been trending very well. We were a clear</p> <p>9 leader in the marketplace. We had a great culture.</p> <p>10 We had a large -- we had a number of people that we</p> <p>11 could invest aggressively in product development and</p> <p>12 other things.</p> <p>13 In terms of the specific word</p> <p>14 "devastating," outside of the impact to the company</p> <p>15 of the massive drop in revenue, a layoff of that</p> <p>16 large of a scale is psychologically devastating</p> <p>17 across the team. It's devastating in terms of the</p> <p>18 reaction that we would then get in the marketplace</p> <p>19 from our partners and customers. And also</p> <p>20 devastating in the context of we are trying to fight</p> <p>21 our way back from a much tougher position going</p> <p>22 forward.</p> <p>23 BY MR. VERNON:</p> <p>24 Q. So focusing on the layoffs that OpenX</p> <p>25 conducted after DV360's spending on OpenX dropped,</p>	<p style="text-align: right;">Page 117</p> <p>1 going off the record?</p> <p>2 Mr. Kressin?</p> <p>3 MS. LEE: Yes.</p> <p>4 MR. KRESSIN: Yes.</p> <p>5 THE VIDEOGRAPHER: Off the record. The</p> <p>6 time is 11:50 a.m.</p> <p>7 (Recess.)</p> <p>8 THE VIDEOGRAPHER: And we're back on the</p> <p>9 record. The time is 12:01 p.m.</p> <p>10 MR. VERNON: So we, the DOJ, are going to</p> <p>11 reserve the rest of our time for redirect and pass</p> <p>12 the witness to Google.</p> <p>13 And we're also happy to go off the record.</p> <p>14 THE VIDEOGRAPHER: Okay. We're off the</p> <p>15 record. The time is 12:02 p.m.</p> <p>16 (Luncheon recess taken at 12:02 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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12 I further certify that I am not of counsel
13 or attorney for either or any of the parties in the
14 foregoing proceedings and caption named or in any
15 way interested in the outcome of the cause in said
16 caption.

17 The dismantling, unsealing, or unbinding of
18 the original transcript will render the reporter's
19 certificate null and void.

C. K.

Page 307

8 DEPOSITION OF: JOHN GENTRY
9 DATE OF DEPOSITION: OCTOBER 26, 2023

306

DECLARATION UNDER PENALTY OF PERJURY

I hereby declare under penalty of perjury
that the foregoing is my deposition under oath; that
I have read same; and that I have made the
corrections, additions, or changes to my answers
that I deem necessary.

In witness thereof, I hereby subscribe my
name this day of , 2023.

DocuSigned by:



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JOHN GENTRY

*United States v. Google LLC*Google's Errata Sheet for Google's Counsel's Questions in the Transcript of the 30(b)(1)
Deposition of John Gentry (October 26, 2023)

Page	Line	Now Reads	Should Read	Reason
182	10	fulfill	fill	Transcription error
208	5	the bid disintermediation	the disintermediation	Transcription error
217	14	"bidder"	"Bidder"	Transcription error
217	19	bidder	Bidder	Transcription error
218	5	bidder	Bidder	Transcription error
272	13	exchange bidding	Exchange Bidding	Transcription error
290	9	on	of	Transcription error
290	13	basis on your	basis of your	Transcription error

I have read the transcript of the 30(b)(1) deposition of John Gentry and have listed all changes and corrections to my questions above, along with my reasons therefore.

Date: 11/25/2023

Signature:

